

112TH CONGRESS
1ST SESSION

H. R. 2842

To authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 6, 2011

Mr. TIPTON (for himself and Mr. GOSAR) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bureau of Reclamation
5 Small Conduit Hydropower Development and Rural Jobs
6 Act of 2011”.

7 **SEC. 2. AUTHORIZATION.**

8 Section 9(c) of the Reclamation Project Act of 1939
9 (43 U.S.C. 485h(c)) is amended—

1 (1) by striking “The Secretary is authorized to
2 enter into contracts to furnish water” and inserting
3 “(1) The Secretary is authorized to enter into con-
4 tracts to furnish water”;

5 (2) by striking “(1) shall” and inserting “(A)
6 shall”;

7 (3) by striking “(2) shall” and inserting “(B)
8 shall”;

9 (4) by striking “respecting the terms of sales of
10 electric power and leases of power privileges shall be
11 in addition and alternative to any authority in exist-
12 ing laws relating to particular projects” and insert-
13 ing “respecting the sales of electric power and leases
14 of power privileges shall be an authorization in addi-
15 tion to and alternative to any authority in existing
16 laws related to particular projects, including small
17 conduit hydropower development”; and

18 (5) by adding at the end the following:

19 “(2) When carrying out this subsection, the Secretary
20 shall first offer the lease of power privilege to an irrigation
21 district or water users association operating the applicable
22 transferred work, or to the irrigation district or water
23 users association receiving water from the applicable re-
24 served work. The Secretary shall determine a reasonable

1 time frame for the irrigation district or water users asso-
2 ciation to accept or reject a lease of power privilege offer.

3 “(3) The National Environmental Policy Act of 1969
4 (42 U.S.C. 4321 et seq.) shall not apply to small conduit
5 hydropower development, excluding siting of associated
6 transmission on Federal lands, under this subsection.

7 “(4) The Power Resources Office of the Bureau of
8 Reclamation shall be the lead office of small conduit hy-
9 dropower activities conducted under this subsection.

10 “(5) Nothing in this subsection shall obligate the
11 Western Area Power Administration, the Bonneville
12 Power Administration, or the Southwestern Power Admin-
13 istration to purchase or market any of the power produced
14 by the facilities covered under this subsection and none
15 of the costs associated with production or delivery of such
16 power shall be assigned to project purposes for inclusion
17 in project rates.

18 “(6) Nothing in this subsection shall alter or impede
19 the delivery and management of water by Bureau of Rec-
20 lamation facilities, as water used for conduit hydropower
21 generation shall be deemed incidental to use of water for
22 the original project purposes. Lease of power privilege
23 shall be made only when, in the judgment of the Secretary,
24 the exercise of the lease will not be incompatible with the
25 purposes of the project or division involved, nor shall it

1 create any unmitigated financial or physical impacts to the
2 project or division involved, and shall be on such terms
3 and conditions as in the judgment of the Secretary in con-
4 sultation with the appropriate irrigation district, will ade-
5 quately protect the planning, design, construction, oper-
6 ation, maintenance, and other interests of the United
7 States and the project or division involved.

8 “(7) Nothing in this subsection shall alter or affect
9 any existing agreements for the development of conduit
10 hydropower projects or disposition of revenues.

11 “(8) In this subsection:

12 “(A) CONDUIT.—The term ‘conduit’ means any
13 Bureau of Reclamation tunnel, canal, pipeline, aque-
14 duct, flume, ditch, or similar manmade water con-
15 veyance that is operated for the distribution of water
16 for agricultural, municipal, or industrial consump-
17 tion and not primarily for the generation of elec-
18 tricity.

19 “(B) IRRIGATION DISTRICT.—The term ‘irriga-
20 tion district’ means any irrigation, water conserva-
21 tion, multicounty water conservation district, or any
22 separate public entity composed of two or more such
23 districts and jointly exercising powers of its member
24 districts.

1 “(C) RESERVED WORK.—The term ‘reserved
2 work’ means any conduit that is included in project
3 works the care, operation, and maintenance of which
4 has been reserved by the Secretary, through the
5 Commissioner of the Bureau of Reclamation.

6 “(D) TRANSFERRED WORK.—The term ‘trans-
7 ferred work’ means any conduit that is included in
8 project works the care, operation, and maintenance
9 of which has been transferred to a legally organized
10 water users association or irrigation district.

11 “(E) SECRETARY.—The term ‘Secretary’ means
12 the Secretary of the Interior.

13 “(F) SMALL CONDUIT HYDROPOWER.—The
14 term ‘small conduit hydropower’ means a facility ca-
15 pable of producing 1.5 megawatts or less of electric
16 capacity.”.

○